

### **REMARKS**

Claims 1-21, 23-26, and 28-42 remain pending in the present application. Claims 1, 11, 21, 26, 31, and 37 have been amended.

### **SUBSTANCE OF INTERVIEW**

Applicant thanks Examiner Lindlof for the courtesies extended to Applicant's undersigned representative in the telephonic interview conducted on **September 4, 2008**, and provides this timely Statement. During the interview, the § 101 rejection was discussed. Agreement has been reached with regard to the allowability of claims 1-20 and 31-42 by amending the claims to explicitly recite a hardware device.

### **CLAIM OBJECTIONS**

Claims 28-30 have been objected to because the language "machine-readable medium" lacks antecedent basis. Claims 28-30 have been amended to "machine-readable memory," which matches the language of claim 26. Withdrawal of the objections is respectfully requested.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-20 and 31-42 currently stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Independent claims 1, 2, 11, 31, 32 and 37 have been amended to recite "a hardware processor." A hardware processor is not software per se, thus, reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,  
KENYON & KENYON LLP

Dated: September 15, 2008

By: /Shawn W. O'Dowd/  
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